

Notice of Allowability

Application No.

10/798,141

Applicant(s)

LOSBIHLER, PAUL

Examiner

Robert J. Hoffberg

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/26/06.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MICHAEL DATSKOVSKIY
PRIMARY EXAMINER

Michael Datskovskiy 06/14/06

REASONS FOR ALLOWANCE

1. The claims 1-9 are allowable over the prior art of record for at least the reason that the prior art fails to teach or suggest a structure as in claim 1, comprising a temperature sensor "wherein the product of the thermal expansion coefficient of the second section of the rod and a length of the second section located in the switch housing is selected based on a product of the thermal expansion coefficient of the switch housing and a length of the switch housing between a side of the switch housing facing the cup and support members of the stationary switch contacts in a direction parallel to the rod, so that engagement between the at least one movable switching contact and the stationary contact is substantially independent of the thermal expansion of the housing." The aforementioned limitations in combination with all remaining limitations of the respective claims are believed to render said independent claims 1 and all claims dependent therefrom patentable over art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The closest references to the present invention are believed to be as follows:
Bayer (US 4,577,176) teaches a temperature sensor with a switch having a switch housing, a movable contact, stationary contacts, a rod and a tube wherein a portion of the tube adjacent to the housing has a coefficient of thermal expansion approximately equal to the rod, but fails to teach that the thermal expansion of the housing should be

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selected to match the portion of the rod within the housing. Bowling (US 4,008,454) teaches a temperature sensor with a switch having a switch housing, a movable contact, stationary contacts, a tube and a rod wherein a portion of the rod adjacent to the housing has a coefficient of thermal expansion approximately equal to the tube, but fails to teach that the thermal expansion of the housing should be selected to match the portion of the rod within the housing. Demarest (US 4,886,070), Wilson (US 5,036,236) and O'Rourke (US 5,390,542) teach sensors having housing materials selected for their thermal expansion matching the thermal expansion of elements within the housing, but lack the other structure of the claimed invention. Zanon et al. (US 5,032,818) teach a thermostat having a mechanical adjustment to correct for the thermal expansion of its housing, but fails to teach a housing material selected for its thermal expansion properties. These above listed references all lack the specific structure and arrangement in claim 1.

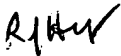
3. None of the cited above references, either taken alone or in combination is believed to render the present invention unpatentable as claimed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Hoffberg whose telephone number is (571) 272-2761. The examiner can normally be reached on 8:30 AM - 4:30 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJH



MICHAEL DATSKOVSKIY
PRIMARY EXAMINER



06/14/06